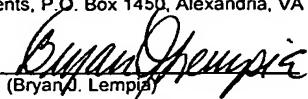


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Dated: August 31, 2005

Signature:



(Bryan J. Lempia)

Docket No.: 28944/38523  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:  
Jerome Asius et al.

Application No.: 10/542,544

Confirmation No.: To Be Determined

Filed: July 18, 2005

Art Unit: To Be Determined

For: Ceramic-Based Injectable Implants for Filling Wrinkles, Skin Depressions and Scars, and Preparation Thereof

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed within three months of the U.S. filing date (37 CFR 1.97(b)(1)).

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patents in accordance with 37 CFR 1.98(a)(2) on the enclosed CD-ROM. If printed copies of the references are required, we will provide same.

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In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication, or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 28944/38523. A duplicate copy of this paper is enclosed.

Dated: August 31, 2005

Respectfully submitted,

By Bryan J. Lempia  
Bryan J. Lempia

Registration No.: 39,746  
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PTO/SB/08a/b (07-05)

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|                                 |   |    |   | Application Number       | 10/542,544       |
|                                 |   |    |   | Filing Date              | July 18, 2005    |
|                                 |   |    |   | First Named Inventor     | Jerome Asius     |
|                                 |   |    |   | Art Unit                 | 0                |
|                                 |   |    |   | Examiner Name            | Not Yet Assigned |
| Sheet                           | 1 | of | 3 | Attorney Docket Number   | 28944/38523      |

| <b>U.S. PATENT DOCUMENTS</b> |                       |  |                                |  |   |
|------------------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials*           | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or Relevant<br>Figures Appear |
|                              |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
| *                            |                       | US-4,643,982                             | 02-17-1987                     | Kasuga et al.                                      |   |
| *                            |                       | US-5,204,382                             | 04-20-1993                     | Wallace et al.                                     |   |
| *                            |                       | US-5,258,028                             | 11-02-1993                     | Ersek et al.                                       |   |
| *                            |                       | US-5,475,052                             | 12-12-1995                     | Rhee et al.  |   |
| *                            |                       | US-5,476,666                             | 12-19-1995                     | Rhee et al.  |   |
| *                            |                       | US-5,510,121                             | 04-23-1996                     | Rhee et al.  |   |
| *                            |                       | US-5,510,418                             | 04-23-1996                     | Rhee et al.  |   |
| *                            |                       | US-5,922,025                             | 07-13-1999                     | Hubbard  |   |
| *                            |                       | US-5,952,010                             | 09-14-1999                     | Constantz  |   |
| *                            |                       | US-5,962,028                             | 10-05-1999                     | Constantz  |   |
| *                            |                       | US-5,997,574                             | 12-07-1999                     | Hayes et al.                                       |   |
| *                            |                       | US-6,037,519                             | 03-14-2000                     | McKay  |   |
| *                            |                       | US-6,051,247                             | 04-18-2000                     | Hench et al.                                       |   |
| *                            |                       | US-6,117,456                             | 09-12-2000                     | Lee et al.   |   |
| *                            |                       | US-6,432,437                             | 08-13-2002                     | Hubbard  |   |
| *                            |                       | US-6,537,574                             | 03-25-2003                     | Hubbard  |   |
| *                            |                       | US-6,558,612                             | 05-06-2003                     | Hubbard  |   |
| *                            |                       | US-2002/151466                           | 10-17-2002                     | Hubbard et al.                                     |   |
| *                            |                       | US-2003/3055512                          | 03-20-2003                     | Genen et al.                                       |   |

| <b>FOREIGN PATENT DOCUMENTS</b> |                       |   |                                |  |   |
|---------------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*              | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or Relevant<br>Figures Appear |
|                                 |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |  |   |
|                                 |                       | EP-0 196 143-A2   | 01-10-1986                     | de Groot   |   |
|                                 |                       | EP-0304305-B1   | 02-22-1989                     | Ray et al.   |   |
|                                 |                       | EP-0353936-B1   | 02-07-1990                     | Ray et al.   |   |
|                                 |                       | EP-0444157-B1   | 09-04-1991                     | Rhee et al.  |   |
|                                 |                       | EP-0497846-B1   | 08-12-1992                     | Fjellstrom   |   |
|                                 |                       | EP-0622990-B1   | 11-09-1994                     | Constantz  |   |
|                                 |                       | EP-0 627 899-B1   | 12-14-1994                     | Wallace et al.                                     |   |
|                                 |                       | EP-0631499-B1   | 01-04-1995                     | Hubbard  |   |
|                                 |                       | EP-0656215  | 06-07-1995                     | Rhee et al.  |   |
|                                 |                       | EP-0835668  | 04-15-1998                     | Constantz  |   |
|                                 |                       | EP-0934087  | 04-30-1998                     | McKay  |   |
|                                 |                       | EP-0910546-B1   | 04-28-1999                     | Shimp et al.                                       |   |
|                                 |                       | EP-1051205  | 08-05-1999                     | Wironen et al.                                     |   |
|                                 |                       | EP-0936929-B1   | 08-25-1999                     | Lee et al.   |   |
|                                 |                       | EP-0973561-B1   | 01-26-2000                     | Wenz et al.  |   |
|                                 |                       | EP-1187636  | 12-28-2000                     | Spiro et al.                                       |   |
|                                 |                       | EP-1204434  | 02-22-2001                     | Hubbard et al.                                     |   |
|                                 |                       | EP-1 080 698-A1   | 03-07-2001                     | Hubbard  |   |
|                                 |                       | EP-1080699-B1   | 03-07-2001                     | Hubbard  |   |
|                                 |                       | EP-1080737-B1   | 03-07-2001                     | Hubbard  |   |
|                                 |                       | EP-1229858  | 05-10-2001                     | Niederauer et al.                                  |   |

|                    |  |                 |  |
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|   |   |    |   | Application Number       | 10/542,544       |
|   |   |    |   | Filing Date              | July 18, 2005    |
|   |   |    |   | First Named Inventor     | Jerome Asius     |
|   |   |    |   | Art Unit                 | 0                |
|   |   |    |   | Examiner Name            | Not Yet Assigned |
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|  |                |            |                     |  |  |
|--|----------------|------------|---------------------|--|--|
|  | EP-1120439-B1  | 08-01-2001 | Wallace et al.      |  |  |
|  | EP-1272232     | 10-11-2001 | Chae et al.         |  |  |
|  | EP-1144459-B1  | 10-17-2001 | Barbucci et al.     |  |  |
|  | EP-1153621     | 11-14-2001 | Wenz et al.         |  |  |
|  | EP-12277851-B1 | 08-07-2002 | Wahlig et al.       |  |  |
|  | EP-1237585-B1  | 09-11-2002 | Chaput et al.       |  |  |
|  | EP-1255576-B1  | 11-13-2002 | Chaput et al.       |  |  |
|  | EP-1280562-B1  | 02-05-2003 | von Heimburg et al. |  |  |
|  | EP-1443981     | 05-22-2003 | Lemaitre et al.     |  |  |
|  | EP-1446099     | 05-22-2003 | Chen et al.         |  |  |
|  | EP-1344538     | 09-17-2003 | Maspero et al.      |  |  |
|  | EP-1380313     | 01-14-2004 | Tas                 |  |  |
|  | EP-1413320     | 04-28-2004 | Berger et al.       |  |  |
|  | EP-0784487     | 09-29-2004 | Agerup              |  |  |
|  | FR-2693716     | 01-21-1994 | Lacout              |  |  |
|  | FR-2705235     | 11-25-1994 | Patat               |  |  |
|  | FR-2715853     | 08-11-1995 | Daculsi             |  |  |
|  | FR-2733426     | 10-31-1996 | Debracker Yves      |  |  |
|  | FR-2733427     | 10-31-1996 | Debracker Yves      |  |  |
|  | FR-2737663     | 02-14-1997 | Daculsi Guy         |  |  |
|  | FR-2778336     | 11-12-1999 | Perraud             |  |  |
|  | FR-2780730     | 01-07-2000 | Taupin et al.       |  |  |
|  | FR-2794763     | 12-15-2000 | Dellacherie et al.  |  |  |
|  | FR-2805747     | 09-07-2001 | Lacout              |  |  |
|  | FR-2805748     | 09-07-2001 | Lacout              |  |  |
|  | FR-2811996     | 01-25-2002 | Piron               |  |  |
|  | FR-2819722     | 07-26-2002 | Corneal Industrie   |  |  |
|  | FR-2819814     | 07-26-2002 | Laboratorie TBF     |  |  |
|  | FR-2824272     | 11-08-2002 | Matsushima          |  |  |
|  | FR-2825924     | 12-20-2002 | Bellity             |  |  |
|  | FR-2852249     | 09-17-2004 | Chavrier            |  |  |
|  | JP-63317159    | 12-26-1988 | Kiminori            |  |  |
|  | JP-3094761     | 04-19-1991 | Kazuo               |  |  |
|  | JP-2002058736  | 02-26-2002 | Takaaki et al.      |  |  |
|  | JP-2004181121  | 07-02-2004 | Masamichi et al.    |  |  |
|  | WO-87/05521    | 09-24-1987 | Parsons et al.      |  |  |
|  | WO-91/17777-A1 | 11-28-1991 | Walker              |  |  |
|  | WO-93/15721    | 08-19-1993 | Furman              |  |  |
|  | WO-93/16657    | 09-02-1993 | Wallace et al.      |  |  |
|  | WO-94/21299    | 09-29-1994 | Agerup              |  |  |
|  | WO-97/05832    | 02-20-1997 | Hayes et al.        |  |  |
|  | WO-98/17330    | 04-30-1998 | McKay               |  |  |
|  | WO-98/40113    | 09-17-1998 | Wironen et al.      |  |  |
|  | WO-98/56431    | 12-17-1998 | Asius et al.        |  |  |
|  | WO-99/02107    | 01-21-1999 | Hench et al.        |  |  |
|  | WO-99/19003    | 04-22-1999 | Armstrong et al.    |  |  |
|  | WO-99/38543    | 08-05-1999 | Wironen et al.      |  |  |
|  | WO-99/51164    | 10-14-1999 | Borland et al.      |  |  |
|  | WO-00/78356    | 12-28-2000 | Spiro et al.        |  |  |

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|  |   |    |   | Examiner Name                   | Not Yet Assigned |
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|                                 |                       | Article of J. Biomed Mater Res. 2000 Feb; 49(2):176-82: "Dissolution of dense carbonate apatite subcutaneously implanted in Wistar rats, by J. Barralet, M. Akao, H. Aoki, H. Aoki.   |
|                                 |                       | Search Report issued in FR 03 00 853 application by the French Patent Office on October 10, 2003.   |
|                                 |                       | PCT International Search Report issued in PCT/FR2004/000180 dated August 23, 2004.  |

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